

Bill No. 1-04
Concerning: Offenses – Disruptive
Behavior–Public Facilities
Revised: 1-9-04 Draft No. 2
Introduced: January 13, 2004
Expires: July 13, 2005
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the request of the County Executive

AN ACT to:

- (1) prohibit certain disruptive behavior at public facilities;
- (2) authorize certain County officials to restrict the access of disruptive persons to certain public facilities;
- (3) impose a penalty for engaging in disruptive behavior at a public facility; and
- (4) generally regulate conduct at public facilities.

By adding

Montgomery County Code
Chapter 32, Offenses – Victim Advocates
Section 32-19C

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Chapter 32 is amended by adding Section 32-19C:**

2 **32-19C. Disruptive Behavior – Public Facilities**

3 (a) In this Section, the following terms have the following meanings unless
 4 the context clearly indicates otherwise:

5 (1) **Reviewing authority** means:

6 (A) the Chief Administrative Officer or an Assistant Chief
 7 Administrative Officer; or

8 (B) a Department Director or the Director's senior-level
 9 designee.

10 (2) **Enforcement agent** means:

11 (A) a Department Director;

12 (B) a police officer, deputy sheriff, or County security officer;

13 (C) an assistant director, division chief, service chief, or other
 14 person in charge of a facility, who is designated by a
 15 Department Director; or

16 (D) a designee of the Director of Community Use of Public
 17 Facilities.

18 (3) **Public facility** means any building, grounds, or transit vehicle
 19 owned, leased, or used by the County, the Revenue Authority, or
 20 the Director of Community Use of Public Facilities.

21 (b) This Section does not apply to constitutionally-protected conduct.

22 (c) A person must not:

23 (1) act in a manner that a reasonable person would find disrupts the
 24 normal functions being carried on at a **public facility**; or

25 (2) engage in conduct that is specifically prohibited by a notice
 26 conspicuously posted at the **public facility**. The type of conduct
 27 that may be prohibited by a conspicuously posted notice is

conduct that is likely to disrupt others' use of the **public facility**,
or conduct that poses a danger to the person engaging in the
conduct or to others.

(d) A person must not refuse, after engaging in conduct prohibited by
subsection (c) at a **public facility**, to accurately identify himself or
herself when asked to do so by an **enforcement agent**.

(e) If a person engages in conduct prohibited by subsection (c), an
enforcement agent may issue and personally deliver a written order to
the person that:

(1) denies the recipient access to that **public facility** for a period not
exceeding 90 days;

(2) prohibits the recipient, if a minor, from entering that **public
facility** without being accompanied by a parent, custodian, or
guardian;

(3) requires the recipient to receive prior written permission from the
enforcement agent or another specified person designated by the
Department Director before entering that **public facility**; or

(4) imposes any other reasonable condition intended to assure that
normal functions carried on at that **public facility** are not
unreasonably disrupted.

(f) An order issued under subsection (e) must notify the recipient that he or
she may meet with a **reviewing authority** to discuss any reasons why
the recipient's access to the applicable **public facility** should not be
restricted. The notice must specify the proposed place and time of the
meeting. The meeting must initially be scheduled during the next
business day after the order is delivered to the recipient. At the request
of the recipient, the **reviewing authority** may reschedule the meeting at

a later date. If a meeting is held, the **reviewing authority** may affirm, modify, suspend, or rescind the order.

(g) If a person believes that conduct prohibited by a conspicuously placed notice under subsection (c)(2) is not dangerous either to the person or others, or is conduct that would not be disruptive, before engaging in the conduct the person must:

(1) inform the Chief Administrative Officer in writing (by certified mail) of the reasons why the conduct is either not dangerous or is not disruptive; and

(2) wait for a decision by the Chief Administrative Officer on whether the conduct will continue to be prohibited.

Within 10 business days after receiving that certified mail, the Chief Administrative Officer must make a decision and notify the sender of the decision and the reasons for it by regular mail. The sender may seek judicial review of an adverse decision in the Circuit Court within 30 days after receiving it. The Court may reverse or modify the decision if it finds that the Chief Administrative Officer had no reasonable basis for the decision. A person must not engage in any prohibited conduct until the court action is final.

(h) A person must not violate an order issued under subsection (e). A person who violates subsections (c) or (d) or an order issued under subsection (e) has committed a Class A violation.

Approved:

Steven A. Silverman , President, County Council

Date

79 *Approved:*

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Douglas M. Duncan, County Executive

Date

81 *This is a correct copy of Council action.*

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Mary A. Edgar, CMC, Clerk of the Council

Date